

1 nothing to do with my radio station; but --

2 MR. TILLOTSON: If Mr. Lynch wanted to
3 claim credit for his involvement with the Adirondack
4 Community College in putting together some programming
5 for cable television, he should have said, "I was
6 involved in this. And this is what I did; and this is
7 when I did it."

8 This letter, as we're looking at it today,
9 doesn't tell us any of this. And the only way we can
10 get it is supplementing with his testimony.

11 JUDGE SIPPEL: I understand.

12 Well, to the extent that we have
13 supplemented it this morning with this explanation --
14 whatever you want to call it -- I will receive it into
15 evidence.

16 MR. LYNCH: Thank you, Your Honor.

17 JUDGE SIPPEL: Page 27 of Exhibit 3.

18 MR. TILLOTSON: No objection.

19 JUDGE SIPPEL: Page 28 of Exhibit 3.

20 MR. TILLOTSON: Relates solely to WWSC,
21 some sort of tribute --

22 JUDGE SIPPEL: Yes. I see.

23 MR. LYNCH: The last paragraph, he's
24 saluting Christopher P. Lynch, President. I have no
25 problem striking references to WWSC. That's not the

1 intent; but --

2 JUDGE SIPPEL: Well, but it seems to be --
3 everything all seems to be hinged on WWSC. I'm going
4 to strike it.

5 Page 29.

6 MR. TILLOTSON: Relates to things done by
7 the radio station, not by Mr. Lynch.

8 JUDGE SIPPEL: Also, it's WWSC.

9 MR. TILLOTSON: Right.

10 MR. LYNCH: And WYLR-FM.

11 MR. TILLOTSON: -- my problem, Your Honor,
12 I think -- what we're focusing on here is what did Mr.
13 Lynch do personally. Is there anything in the document
14 that would suggest that Mr. Lynch personally was
15 involved in a civic activity? The document doesn't
16 have anything about Mr. Lynch being involved in a civic
17 activity. It has to do with the radio station doing
18 something.

19 JUDGE SIPPEL: I'll accept that argument.
20 I'm going to strike page 29.

21 MR. TILLOTSON: The same objection to the
22 next page, 30.

23 The same objection to 31.

24 JUDGE SIPPEL: Page 30 is stricken.

25 31. Well, that talks about WWSC, WYLD.

1 MR. LYNCH: Typo, Your Honor. It's also -
2 - though you can't see it -- a picture of me --

3 JUDGE SIPPEL: Well, I mean, it's -- I've
4 taken that to mean WYLR, is that right?

5 MR. LYNCH: Yes, Your Honor.

6 This was a part of the Marine Corps
7 League. I was personally made an honorary Marine Corps
8 League member for my personal efforts on this whole
9 thing.

10 JUDGE SIPPEL: I'll accept that.

11 MR. TILLOTSON: Your Honor --

12 MR. LYNCH: Thank you, Your Honor.

13 MR. TILLOTSON: -- I'm going to object.

14 JUDGE SIPPEL: Go ahead.

15 MR. TILLOTSON: I don't think you can do
16 that. We're talking right now about an evidentiary
17 Exhibit. Mr. Lynch is sitting there in the role of
18 counsel defending it. This document says nothing about
19 Mr. Lynch doing a thing.

20 I object to it on the grounds that it says
21 nothing about Mr. Lynch doing anything. Mr. Lynch
22 says, "Oh, my picture's there and I was being honored
23 for being involved in the Marines," or whatever. And
24 it's accepted.

25 All this document says is the radio

1 stations assisted in making Basket and Toys Program a
2 success. It says not a word about Mr. Lynch.

3 JUDGE SIPPEL: Well, wait just a second,
4 now -- Exhibit 32 -- which is addressed personally to -
5 -

6 MR. TILLOTSON: That's correct. And I
7 have yet to find that the Federal Communications
8 Commission says that the fact that someone made a --
9 charitable contribution to any organization gave that
10 person civic involvement credit.

11 JUDGE SIPPEL: Well, Mr. Lynch?

12 MR. LYNCH: There's an enormous problem in
13 me going around putting words in people's mouth. If I
14 had them -- Mr. Tillotson is asking for right now, I
15 would probably be thrown out as far as me putting the
16 words in the mouth's of witnesses. These are honest
17 letters, most of them unsolicited. But, again, they
18 are not FCC attorneys. And I just -- with a number of
19 these things -- didn't want to go, "Well, here, I want
20 you to say this. I want you to say -- " Maybe I should
21 have put words in their mouth. I don't think so.

22 This is a -- of what the heck I have done
23 over my career, specifically in the license term. And
24 if it doesn't give nickel and dime on what we're doing
25 -- and -- you know -- donation of \$1,000, you know,

1 again, "Thank you for your help."

2 JUDGE SIPPEL: Well, let me go back on
3 this. I've ruled on this in a similar fashion in other
4 cases.

5 Mr. Tillotson is correct. This -- trying
6 to tie this in with the letter, I overlooked the fact
7 that it was tied in with a \$1,000 donation.

8 Now, the second -- I'm looking at page 32
9 of Exhibit 3, and I will then go back to page 31. But
10 on page 32, the second paragraph -- the author of the
11 letter, the Marine Corps Commandant, that goes down --
12 the second paragraph, it talks about 251 families
13 having received food. Well, that strike me as being --
14 he is generally telling you that this is what his
15 particular program reached out and covered. It doesn't
16 mean that you had anything to do with reaching 251
17 families, you know, or even your donation. Your
18 donation was part of that effort; but that -- it
19 doesn't really tie in in terms of what part it was.
20 And, still, it's a donation of cash. So --

21 MR. LYNCH: And the cash was raised from
22 our giant garage sale, which was an effort of WWSC and
23 WYLR, and, also, took a lot of my personal time --

24 JUDGE SIPPEL: Well, I can -- you know --
25 this, again, it's -- you're trying to patch in what

1 should have been said, maybe, in an affidavit or in
2 your written testimony.

3 The point is is that Exhibit 3, page 32,
4 is, on its face, irrelevant.

5 And Exhibit 3, at page 31, again, has the
6 same -- a similar problem.

7 But, in addition to that, it, again, looks
8 like you're -- certainly, you're the -- you were the
9 official -- the head official, the CEO, so you're going
10 to get the accolades; but -- in a "Dear Chris" letter -
11 - but it doesn't say -- I can't tell from this that it
12 was you personally who were doing all these things for
13 the underprivileged children. So I'm going to have to
14 strike that, too. That is page 31.

15 So let's move on to page 33 of Exhibit 3.

16 MR. TILLOTSON: It says nothing relating
17 to Mr. Lynch's involved in -- other than spending some
18 time talking to someone about the cable -- I mean, no
19 time -- It can't possibly be a civic activity.

20 JUDGE SIPPEL: That's stricken. It has to
21 tell me on its face what it is. If I ask you for an
22 explanation, you're supplementing -- can't do that.

23 MR. LYNCH: One, I'm integrating talking
24 to the person who runs the non-profit or station for
25 the region.

1 Two, we sat down, talked on things that I
2 was editorializing against, the trash burning plan.
3 This --

4 JUDGE SIPPEL: We can't get into that --

5 MR. LYNCH: Well --

6 MR. TILLOTSON: The next one --

7 JUDGE SIPPEL: The next one is page 34.

8 MR. TILLOTSON: Right.

9 JUDGE SIPPEL: Page -- All right. I just
10 want the record to reflect --

11 MR. TILLOTSON: It appears to be thanking
12 him for writing a letter. I don't believe that's a
13 civic activity.

14 MR. LYNCH: It's integration. They came
15 to me. There's a major health center in the area.
16 They knew enough to come to me as far as being a
17 central person in the community to write that letter.

18 JUDGE SIPPEL: Well, I don't think that
19 that's -- a civic involvement's about. I don't think -
20 - letter-writing is it. I'm going to strike that.

21 Number 35.

22 MR. TILLOTSON: The next one clearly is an
23 appreciation to Chris Lynch in his capacity of the
24 radio station and the staff for a radio telethon, not
25 for Mr. Lynch's personal involvement.

1 JUDGE SIPPEL: Okay -- strike that also.

2 MR. LYNCH: Would it be at all clarifying
3 if --

4 JUDGE SIPPEL: This is page -- Let me just
5 be sure that the record -- this is page 35 of Exhibit
6 3.

7 MR. LYNCH: There's an affidavit from the
8 immediate Ex-Director of the Center. It's in a
9 different Exhibit. And I have a funny feeling that
10 that is going to get thrown out also, 'cause it's in a
11 different --

12 You know, this is an ongoing commitment
13 that I've done. There's nothing I've done better in my
14 20-year career that shows my integration with the
15 community. This is cross-hatched with about 10
16 different -- whether it's awards or letters or sworn
17 affidavits, it is not, obviously -- you know, this was
18 put to Christopher Lynch and the staff of WWSC. I was
19 the honcho. I designed it, A to Z, top to bottom.
20 It's my baby. I worked like a dog over and above the
21 day-in and day-out of --

22 JUDGE SIPPEL: I understand that; but, you
23 see, when you have to go out and you have to make --
24 you have to go outside the record or outside the record
25 that you're trying to make with these broad

1 descriptions of yourself, this is where it starts to
2 get -- it strikes me that what you're trying to do is
3 you're trying to prove too much.

4 All's you have to do is offer evidence
5 that says that, "I was on the Board of Directors of X
6 organizations from year-so-and-so to year-so-and-so.
7 And then you can just go from there and say that, "In
8 that capacity I did A, B, C and D." That's not what
9 you're doing. You're just throwing a lot of documents
10 at me and saying that I'm supposed to understand from
11 that that you worked like a dog. And I can't do that.

12 MR. LYNCH: All I'm doing is -- to the
13 best of my knowledge -- unsolicited awards from the
14 community to somebody specifically go to show
15 integration. And I don't pretend to show any more or
16 less than that, nor do I want to.

17 JUDGE SIPPEL: I've been giving you credit
18 for the ones that have come in that are directed to you
19 personally. I've been giving you credit for that --
20 does the same -- you -- it says, "you and your staff."

21 Where's the affidavit you say that cross
22 references it?

23 MR. LYNCH: It's Marilyn Cohen's. It's
24 under Exhibit 9. It's page 9 of Exhibit 9.

25 (Pause).

1 MR. LYNCH: Call attention, obviously, to
2 paragraph 3, which supports the decade that I've been
3 discussing.

4 JUDGE SIPPEL: Well, I understand what
5 you're saying; but, I mean, the thing is, though, it
6 just doesn't get down into enough specifics.

7 One specific thing that you did do -- it's
8 on paragraph 5 -- it says that you created our theme,
9 "We're All Family," and then consistently demonstrated
10 that you, your staff and all the services of WWSC and
11 WYLR are true -- stations. Well, you know, if you
12 created the theme and then had your people do the work
13 that is different than you going out and providing your
14 personal services to the community.

15 MR. LYNCH: Well, she said in paragraph 4
16 she works with me, you know. "He uses the medias with
17 intelligence and caring. A relationship with Chris
18 Lynch has been warm, productive -- " "productive -- and
19 stimulating." And the honest to God facts of the
20 matter is I've spent an enormous amount of time over
21 and above running a radio station, probably too much.

22 JUDGE SIPPEL: Let me --

23 MR. LYNCH: You know. And --

24 JUDGE SIPPEL: -- I just don't -- I'm not
25 going to invite more comment from yourself --

1 Mr. Tillotson, take a look at Exhibit 9,
2 page 9, in conjunction with Exhibit 3, page 35.

3 MR. TILLOTSON: -- 9, page what --

4 JUDGE SIPPEL: 9, page 9.

5 MR. TILLOTSON: 9, page 9. Yes. In
6 conjunction with 3 --

7 JUDGE SIPPEL: 3 of /35, which talks about
8 his Cerebral Palsy Center.

9 MR. TILLOTSON: Well, this is the problem
10 I would have without having Marilyn Cohen here, because
11 -- in her affidavit talks about the -- Chris and his
12 radio station. And Mr. Lynch has told us how he
13 personally gave so much of his time; but that's not
14 what -- she doesn't tell us that. And so the thing
15 that we have to do is if we were using her statement to
16 get to his civic affairs.

17 Then, I would insist on a right to cross
18 examine her to find out what is it that Mr. Lynch did
19 versus his staff. Are you really asking him for --
20 praising him for what the radio station did on
21 promoting Cerebral Palsy through public services or
22 radiothon or whatever they do for -- in their public
23 service area in helping you get it on his radio station
24 or are you praising him for what he did personally to
25 go out to your organization to give him his own time

1 unrelated to the radio station? Only she can answer
2 that.

3 JUDGE SIPPEL: Is this -- is she really
4 giving you praise for what you did in your capacity at
5 WW -- Well, she does say both stations. But is this
6 really public service work that you're doing -- public
7 service broadcasting work?

8 MR. LYNCH: Of course -- yes.

9 JUDGE SIPPEL: That's what it really is,
10 isn't it?

11 MR. LYNCH: It's a 12-hour radiothon.
12 It's a year-long thing. We do four or five fundraisers
13 with her. She's on a talk program. She's on Morning
14 Drive doing live interviews of both radio stations.
15 She's -- you know. One of the major -- we are the --
16 capital of the North Country -- you know --

17 JUDGE SIPPEL: But that's something --
18 that's something that you're doing in connection with
19 your responsibilities as a station owner. I mean, you
20 do it in your own way. Other people do it in different
21 ways; but this is your way of doing it as a station
22 owner, to make your --

23 MR. LYNCH: But it's me doing it. It's me
24 doing it.

25 JUDGE SIPPEL: I'm not trying to argue

1 with you. I'm trying to be sure that I understand --
2 As distinguished from a situation -- I say -- where you
3 go down to the soup kitchen and you ladle soup and
4 nobody knows that you have anything to do with a radio
5 station. You're just down there doing it because you
6 think it's an important thing to do. And I'm not
7 trying to say one's better than the other. I'm just --
8 trying to say this is a distinction, right? I mean,
9 this is a factual distinction. You're doing this in
10 connection with -- for Ms. Cohen -- in connection with
11 your public duties as a station owner, as a license
12 owner.

13 MR. LYNCH: But I'm also sitting with her
14 Boards. I'm also working with the television side of
15 it. So it's both.

16 JUDGE SIPPEL: All right. Well, all
17 right. So you're claiming both.

18 MR. TILLOTSON: But that's not here And
19 that's the problem.

20 JUDGE SIPPEL: I understand.

21 MR. TILLOTSON: Yes.

22 JUDGE SIPPEL: I hear you. I just want to
23 -- I want to hear it from Mr. Lynch.

24 All right. I'm going to strike Exhibit 3,
25 page 35. And unless you bring Mrs. Cohen in for

1 testimony -- for cross examination, I'm going to strike
2 Exhibit 9, page 9, as well.

3 MR. SCHONMAN: Your Honor, if the Bureau
4 might speak on this. Exhibit 9, page 9, if it's going
5 for integration purposes and integration purposes only,
6 the Bureau would have no opinion as to whether it
7 should come in or not.

8 But if Exhibit 9, page 9, is coming in,
9 for example, in mitigation of the Skidelsky issue, then
10 I believe it would be relevant.

11 It could also come in for reputation.

12 JUDGE SIPPEL: Well, what about renewal --

13 MR. SCHONMAN: It may serve that purpose
14 as well.

15 JUDGE SIPPEL: -- preference.

16 MR. SCHONMAN: If we can --

17 JUDGE SIPPEL: Well, I don't need to get
18 to it -- Let me -- I'm going to hold off on -- Let me
19 hold off on Exhibit 9. I don't need to get to Exhibit
20 9. That was pointed to by the -- Thank you, Mr.
21 Schonman. That was pointed to by Mr. Lynch in an
22 effort to explain what was behind the copy of the award
23 on page 35 of the Exhibit -- so I'm not going to focus
24 on a ruling on Exhibit -- Tab 9, yet. We'll come back
25 to that.

1 Exhibit 3, 35 is stricken.

2 I'm looking at the clock in the back of
3 the room. It's getting close to noon. What I want to
4 do is break for lunch. Before I do that, I want to
5 make --

6 MR. TILLOTSON: Could I make a -- Maybe we
7 could finish up this whole section, though, with a
8 simple suggestion.

9 JUDGE SIPPEL: All right. What is it?

10 MR. TILLOTSON: And I think, based on what
11 we've gone through one by one and what we've now
12 learned as to what these letters mean, I would just
13 object to everything from 36 through 56, which is a
14 Certificate of Appreciation addressed to Lynch -- I'm
15 not objecting to 56. And I would object to 57, all on
16 the same grounds that we've been objecting to ruling --
17 on the ruling on the others, and that is these are
18 letters that -- and documents that are talking about
19 things that the radio station, the radio station staff
20 did that either addressed to the radio station or
21 Normandy Broadcasting, sometimes, with -- you know --
22 with Mr. Lynch's name on it, but they're all related to
23 radio activities --

24 JUDGE SIPPEL: Well, I will -- you're
25 saying with the exception of 56.

1 MR. TILLOTSON: Right.

2 JUDGE SIPPEL: Well, let me do this: I
3 will take a look at this over the lunch break and we'll
4 pick that right up when we come back.

5 MR. SCHONMAN: Your Honor, and the Bureau
6 is assuming, too, that all these are being offered for
7 integration --

8 JUDGE SIPPEL: That's correct --

9 MR. SCHONMAN: -- integration purposes.

10 JUDGE SIPPEL: Correct. We're still on
11 that. This is solely integration. This is solely
12 integration.

13 I can read these documents over lunch. I
14 come back -- rule on -- I will consider that in the
15 form of a motion.

16 MR. TILLOTSON: Correct.

17 JUDGE SIPPEL: And I will hear from Mr.
18 Lynch and then I will rule on that when we come back.
19 That might simplify it.

20 What I'd like to do is take up very
21 quickly cross examination requests. I'm not taking up
22 yours yet, Mr. Tillotson.

23 Mr. Lynch, on July 24th you sent a request
24 to the Bureau and to Mr. Tillotson, you want to cross
25 examine Mr. Lawrence Brandt, Terry Newmeyer (phonetic),

1 Barry Skidelsky, H.E. Newmeyer (phonetic) and David
2 Tillotson.

3 Let me just ask you about Mr. Brandt. Mr.
4 Brandt isn't here to -- you've already stated the
5 reasons why you want to cross examine these people.
6 Mr. Brandt isn't going to be integrated. He's not
7 proposing anything that would warrant cross
8 examination.

9 MR. LYNCH: I have a number of questions
10 about what's going on in this case from beginning to
11 end.

12 JUDGE SIPPEL: Well, we don't cross
13 examine on things like that -- just don't go -- you
14 know -- this is not a -- don't go back as to -- I mean,
15 as to why he has an interest in the station, that type
16 of thing?

17 MR. LYNCH: As to -- I can't believe the
18 discovery papers I got were complete in any way, shape
19 or form.

20 If we can just put flat issues out -- "Oh,
21 I've got \$200,000 to build a radio station." It's --
22 This is a totally -- motion for him.

23 Like I say, two or three of these other
24 people in the very few discovery papers I got it seemed
25 like there was a general shopping trip. I believe Mr.

1 Skidelsky was approached to try to get me out of the
2 25,000-watt proceeding by setting up a second. And
3 it's just -- I really don't know where this is all --

4 JUDGE SIPPEL: Well, you're giving me --
5 yes, you're giving me a lot of speculation; but I can't
6 rule on speculation. And the Commission has even more
7 recently adopted an even stricter policy with respect
8 to rights to cross examination. There really has to be
9 a very specific need found for it. And I don't find a
10 need based on what you're representing. You're too
11 speculative. You're reaching out in terms of what
12 might be found out if you cross examined these people.

13 At a minimum, that kind of information is
14 developed by taking depositions. And nobody asked to
15 take any depositions in this case.

16 So does anybody else want to be heard on
17 these particular witnesses? I know, Mr. Tillotson,
18 what your position is. Does the Bureau want to
19 participate in this at all?

20 MR. SCHONMAN: No, sir.

21 JUDGE SIPPEL: All right, then, I am
22 overruling -- I'm considering your letter of July 24th
23 to be a request to cross examine these people and I'm
24 denying your request because it is not specific and
25 does not call for information which would be relevant

1 to the determination of this case.

2 Two, those persons are Lawrence N. Brandt,
3 Terry Newmeyer, Barry Skidelsky, H.E. Newmeyer and
4 David Tillotson.

5 With respect to the Bureau's request to
6 cross examine Mr. Christopher P. Lynch, there's been no
7 opposition to that and that certainly -- granted.

8 And the other questions -- I have, also,
9 by the way, considered Mr. Tillotson's letter of July
10 28th in opposition to those --

11 That leaves Mr. Tillotson's request of
12 July 24th as to which I have not received any
13 opposition. Is there any opposition to these witnesses
14 being cross examined?

15 MR. LYNCH: If it's understood the
16 examination is in Glens Falls, I'd welcome it, and
17 especially with what's going on in this Exhibit here,
18 I'd doubly welcome it.

19 JUDGE SIPPEL: All right. We'll talk
20 about that. We'll talk about that after lunch.

21 What about the witnesses that are clearly
22 directly related to your company, such as Thomas
23 Jacobson, Clifford Grant, Richard Dusenbery (phonetic)?
24 Did you intend to bring those folks to Washington to
25 testify?

1 MR. LYNCH: No, I'm waiting -- I don't
2 think I can financially do that. That's why I'm
3 fighting to have this taken care of in Glens Falls, New
4 York.

5 JUDGE SIPPEL: Well --

6 MR. LYNCH: I'm talking about mayors, ex-
7 mayors --

8 JUDGE SIPPEL: Well, no, no, no. No, no,
9 no. I'm not talking about mayors. I mean, be
10 responsive to what I'm talking about. Forget about the
11 mayors and those people for this -- what I'm talking
12 about right now. I'm talking about Thomas Jacobson.
13 He's a Normandy employee, isn't he?

14 MR. LYNCH: Yes, Your Honor.

15 JUDGE SIPPEL: And doesn't' this case mean
16 enough to him that he'd want to come down here and
17 testify?

18 MR. LYNCH: It's a question of finances.

19 JUDGE SIPPEL: I mean, I -- you know --
20 you send your kids to college, it's all a question of
21 finances. Everything is a question of finances. I'm
22 just simply saying is that he's somebody that's very
23 much directly associated with the station. Is he? I'm
24 just reading --

25 MR. LYNCH: He's the Program Director.

1 He's been there for six years; but if -- for some of
2 these other people, like Francis O'Keefe and Thomas --

3 JUDGE SIPPEL: Well, you keep moving away
4 from me. I'm talking about employees. I'm talking
5 about people who are directly associated with the
6 company, who are doing things like programming, who
7 you're submitting statements and affidavits for, who
8 supposedly are on your side of the case, who are
9 supporting you. And what I'm trying to get at is I
10 understand there's hardships. I understand life is
11 tough; but do they have an interest in coming to
12 Washington to testify?

13 MR. LYNCH: They have an enormous
14 interest. It's their jobs and both these gentlemen
15 have been in the employ over five years. They believe
16 in the stations and they would want to come, no ifs,
17 ands or buts. But if we were examining other people
18 and if we -- portion of this in Glens Falls, I would
19 sincerely request that they come over -- you know --
20 and make this part of --

21 JUDGE SIPPEL: All right. Let me try it
22 one more time a little differently.

23 MR. LYNCH: All right.

24 JUDGE SIPPEL: Supposing that there is no
25 testimony to be taken of public witnesses or sometimes

1 called "non-party witnesses" in Glens Falls, the only
2 testimony that's going to be taken in this case is
3 going to be right here in Washington, D.C.

4 What about -- let me finish my question.
5 Would I be expecting to receive the testimony -- the
6 cross-examination testimony -- of Thomas Jacobson and
7 Clifford Grant and or Richard Dusenbery?

8 MR. LYNCH: I would move they be taken by
9 telephone if at all possible; but I would hope -- you
10 know -- one, you have their sworn, frozen testimony in
11 front of you. That'll stand by itself.

12 If there's a need to cross examine -- as I
13 said, I would prefer just for hardship and actually in
14 the interest of justice to have it done over the phone.

15 JUDGE SIPPEL: They're employees. They
16 are employees. There is no way that I'm going to take
17 an affidavit from somebody that closely associated --
18 And you've just admitted the fact that these people
19 have a very keen interest in the outcome of this case.
20 There's no way I'm going to take an untested affidavit.
21 So your choice is going to be that we hear nothing from
22 them in terms of affidavit testimony or they come down
23 here in response to their affidavits and they put
24 themselves on as witnesses for cross examination.

25 Unless -- I hear you now -- I would -- if

1 we end up taking testimony in Glens Falls, different
2 consideration. But how long does it take to get in a
3 car and drive down from Glens Falls, New York to
4 Washington, D.C.?

5 MR. LYNCH: About 12 hours, 13 hours.

6 JUDGE SIPPEL: Well --

7 MR. TILLOTSON: Eight, Your Honor.

8 JUDGE SIPPEL: Eight --

9 MR. TILLOTSON: I just did it. I just did
10 it a few weeks ago, at the speed limit.

11 JUDGE SIPPEL: I mean, I know that -- you
12 know -- I understand that it is not easy in the sense
13 that it doesn't mean just rolling out of bed in the
14 morning and getting on the subway and coming down here
15 to testify. I know that 8 hours is farther than 20
16 minutes. I understand that. And I understand that it
17 might cost some money to be put up in a motel someplace
18 on the outskirts of Washington. I understand that.

19 But the outcome is is that their testimony
20 may not come in at all. And we do have to plan for
21 what's going to happen in the first week of September.

22 All right. I leave that with you.

23 It's almost 10 minutes after 12. Come
24 back a quarter after 1, and I'll take up the remaining
25 of these documents and Exhibits --

1 Go off the record.

2 (Whereupon, at 12:10 p.m., the hearing was

3 recessed).

A F T E R N O O N S E S S I O N

(1:20 p.m.)

JUDGE SIPPEL: Back on the record.

All persons who were present when we broke for lunch are again present.

Mr. Lynch is still under oath.

There is a pending oral motion presented by Mr. Tillotson to strike Exhibits 3, page 36, through Exhibit 3, page 62, with one exception, and that being a certificate evidenced on Exhibit 3, page 56, directed personally to Mr. Chris Lynch.

I've had an opportunity to review these documents; and I find a consistent pattern of -- basically -- of vagueness. And that is they congratulate Mr. Lynch and/or Mr. Lynch's staff and/or Mr. Lynch's stations for being a big help. But there really isn't anything indicated in what respect. The thrust of the letters might be anything from having made a couple of phone calls to -- you know -- having done some considerable amount of work.

The problem is is that it just doesn't add something to the evidence. It adds more confusion than it does anything else.

And, therefore, I'm going to -- in the interest of time, I'm going to grant that motion.